

### REMARKS

Claims 1 through 32 are pending in this application.

Claims 1-28 were rejected.

Claims 1, 15, 21, and 24 have been amended in this Response.

Claim 2 has been canceled.

Claim 29-32 have been added.

Applicant has included an IDS with this Response to list the statement originally filed with the application on a 1449 sheet. Because the statement was originally filed with the application, Applicant believes that no fees are due for this IDS.

#### Section 102 Rejections

In the following, the Examiner's comments are included in bold, indented type, followed by the Applicants' remarks:

##### **Regarding claim 1:**

**Schomisch discloses a material management system including: one or more waste containers adapted to receive and compact waste (fig. 1, unit 20); a fullness-measuring subsystem for determining the fullness of one or more waste containers; a computerized scheduling subsystem in communication with the fullness-measuring subsystem for automatically determining an optimal time to empty each waste container (Col. 4-5, Lines 58-39, Col. 5-6, Lines 51-13), based one or more scheduling factors including the fullnesses of the waste container and scheduling factors related to predicted future usage (Col. 11-12, Lines 45-8), Col. 5-6, Lines 51-13).**

Applicant respectfully disagrees. Applicant has amended Claim 1 to clarify the "scheduling factors" limitation. The cited portion of Schomisch do not disclose "determining an optimal time to empty each waste container, based on the fullnesses of the waste container and scheduling factors including customer preferences and waste hauler limitations." The portion of Schomisch cited by in the office action to show the highlighted limitations (*i.e.*, cols. 5-6, lines 40-13), discuss "[t]he amount of remaining time  $T_R$  (expressed in days, hours, etc.) can

then be calculated . . . ” (Schomisch, col. 5, lines 59-60) Schomisch goes on to discuss that “[t]his feature advantageously permits the end user to schedule around the container removal to thereby avoid or reduce any inconvenience.” (Schomisch, col. 6, lines 11-13) This is in contrast with considering “scheduling factors including customer preferences and waste hauler limitations,” as required by Claim 1. The second portion of Schomisch quote above appears to teach away from considering “customer preferences,” since “the end user [] schedule[s] around the container removal.” (Schomisch, col. 6, lines 11-13) Example “scheduling factors” are shown in Claims 4 and 5. The cited portion of Schomisch, therefore, does not disclose each limitation of Claim 1. Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

Each of Claims 2-14 depend from Claim 1 and are therefore patentable for at least the reasons presented with respect to Claim 1. Applicant therefore respectfully requests that the rejections of Claims 2-14 be withdrawn.

**Regarding claim 15:**

Schomisch discloses a computerized method for scheduling a pick up time to remove of one or more waste containers, including, for each waste container (abstract), automatically determining a fullness of the waste container (Col. 5-6, Lines 40-13); automatically determining when a waste container will a target level of fullness, based on the current fullness and predicted future usage (Col. 5-6, Lines 40-13); automatically determining an optimal time to remove the waste container, based on when the waste container will reach a target level of fullness (Col. 5-6, Lines 40-13), customer preferences, and waste hauler limitations (Col. 5-6, Lines 40-13); and automatically scheduling the removal of the waste container for the optimal time (Col. 5-6, Lines 40-13).

Applicant respectfully disagrees. Claim 15 has been amended to emphasize the claim elements. The cited portions of Schomisch do not disclose “automatically determining an optimal time to remove the waste container, based on: . . . **customer preferences[] and waste hauler limitations,**” as discussed with respect to Claim 1. Claims 28 and 29 have been added to provide examples of “customer preferences” and “waste hauler limitations.” Applicant therefore respectfully requests that the rejection of Claim 15 be withdrawn.

Each of Claims 16-23 depend from Claim 15 and are therefore patentable for at least the reasons presented with respect to Claim 15. Applicant therefore respectfully requests that the rejections of Claims 16-23 be withdrawn.

**Regarding claim 24:**

Schomisch discloses a computer program, stored on a tangible storage medium, for use in scheduling a pick up time to remove one or more waste containers, the computer program including executable indications that cause a computer to (Col. 5-6, Lines 40-13), for each waste container (fig. 1); determine a fullness of the waste container; determine when the waste container will reach a target level of fullness, based on the current fullness and predicted future usage (Col. 5-6, Lines 40-13); determine an optimal time to remove the waste container, based on the predicted time, customer preferences, and waste hauler limitations (Col. 5-6, Lines 40-13); and schedule the removal of the waste container for the optimal time (Col. 5-6, Lines 40-13).

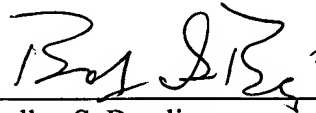
Applicant respectfully disagrees. Claim 24 has been amended to emphasize the claim elements. The cited portions of Schomisch do not disclose “determin[ing] an optimal time to remove the waste container, based on: . . . customer preferences and waste hauler limitations,” as discussed with respect to Claim 1. Claims 31 and 32 have been added to provide examples of “customer preferences” and “waste hauler limitations.” Applicant therefore respectfully requests that the rejection of Claim 24 be withdrawn.

Each of Claims 25-28 depend from Claim 24 and are therefore patentable for at least the reasons presented with respect to Claim 24. Applicant therefore respectfully requests that the rejections of Claims 25-28 be withdrawn.

**SUMMARY**

Applicants contend that the claims are in condition for allowance, which action is requested. Applicants do not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicants request that the fees be debited from deposit account number 02-0383.

Respectfully submitted,



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